

Chapter 86

PARKS AND RECREATION¹

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¹ **Cross references:** Permit for consumption of alcohol beverages in public parks, § 6-61 et seq.; flood area zoning, ch. 54; streets, sidewalks and other public places, ch. 106.

ARTICLE I. IN GENERAL

Sec. 86-1. Penalty.

Except as otherwise provided, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-11.

(Code 1986, § 19.15)

Sec. 86-2. Personnel.

(a) *Aquatic director.*

- (1) *Appointment.* The aquatic director shall be appointed annually by the city administrator in consultation with the appropriate department head and committee.
- (2) *Powers and duties.* The aquatic director shall exercise the powers and duties as authorized by the Water Safety Institute, the American Red Cross and the city administrator in consultation with the appropriate department head and committee.

(b) *Little League/softball/baseball director.*

- (1) *Appointment.* The Little League/softball/baseball director shall be appointed annually by the city administrator in consultation with the appropriate department head and committee.
- (2) *Powers and duties.* The Little League/softball/baseball director shall exercise the powers and duties as authorized by the park and recreation board. Those duties shall include responsibility for coordinating and scheduling all baseball and softball tournaments and the maintenance and preparation of the baseball diamonds for all scheduled ball games and tournaments.

(Code 1986, § 19.08, Ord. 2008-23)

Sec. 86-3. Closing hours for parks.

(a) All parks shall be closed at 10:00 p.m. each day, except as otherwise provided in this section.

(b) No person shall enter, frequent or loiter in any park between 10:00 p.m. and 6:00 a.m., except when public functions are being held in such park. For the purpose of this section, public functions shall constitute those functions for which the floodlights in the lower park have been turned on by the proper park officials for other public meetings, picnics or gatherings held pursuant to subsection (c) of this section. After all such occasions, no person shall remain in such park more than one-half hour after the termination of such functions or occasions.

(c) Persons or organizations desiring to hold public meetings, picnics or other public gatherings in any park which shall necessitate remaining in the park later than 10:00 p.m. shall apply for permission for such function to the chairperson of the park and

recreation board or such other person as the park and recreation board may designate. Such application shall state the hour at which such function shall terminate.

(d) Park hours shall be extended to 11:00 p.m. during the summer season (June through August).

(Code 1986, § 19.02; Ord. No. 1998-8, § 1, 7-14-1998)

Sec. 86-4.

(repealed by Ord. 2008-23).

Sec. 86-5. Permit for park use.

(a) Any individual, group or organization that wishes to reserve for use any public park or park facility for any non-commercial activity, except a city ball diamond or soccer field, should make a reservation with the office of the city clerk and pay all applicable fees at least 72 hours before the event. Reservations are issued on a first come, first served basis beginning January 1 of each year. All reservations fees shall be paid in full, in advance, to consider the park or park facility reserved and are non-refundable. A deposit of \$100.00 shall be paid to the city clerk at the time of paying the reservation fee. The deposit shall be held until the park areas used are cleaned up and restored to prior condition to the satisfaction of the city at the conclusion of the event. Upon satisfactory inspection by the city designee, the deposit shall be returned. Should the area require cleanup or restoration by the city, the deposit shall be forfeited and any additional expenses incurred by the city shall be the responsibility of the individual, group or organization.

(Code 1986, § 19.07, Ord. 2004-15, Ord. 2008-23, Ord. 2016-07)

Sec. 86-6. Reservation of ball diamonds and soccer fields.

(a) Any Evansville group or organization, including public school athletic programs, the city, youth and adult baseball softball leagues, and the Evansville Soccer Club, wishing to reserve on a seasonal basis any city ball diamond or soccer field for any non-commercial activity in any city park shall make a reservation with the office of the city clerk in writing at least 30 days before the first scheduled event. The various groups or organizations may coordinate schedules between themselves prior to making reservation with the office of the city clerk; however, reservations shall be made on a first come first served basis.

(b) Any Evansville resident, Evansville group or Evansville organization wishing to reserve any city ball diamond or soccer field for any non-commercial activity in any city park shall make a reservation with the office of the city clerk not more than 29 days but at least 48 hours before the event, except as provided in paragraph (a) & (c). Any other individual, group or organization wishing to reserve any city ball diamond or soccer field for any activity in any city park shall obtain approval from the park and recreation board chairperson not more than 29 days but at least 48 hours before the event, who shall promptly communicate her or his approval of the reservation to the office of the city clerk. Reservations are made on a first come, first served basis, and the reservation should be only for the hours needed.

(c) The Evansville group or organization coordinating the annual Fourth of July Celebration shall have precedence over all other individuals, groups or organizations for reservation of ball diamonds and soccer fields at Leonard Park during the days of the Fourth of July Celebration, provided the reservation is submitted to the office of the city clerk by April 15 of any given year.

(d) Any individual, group or organization that has reserved a ball diamond or soccer field shall pay a nonrefundable fee to the office of the city clerk at time of reservation. The amount of such fees shall be as established by the council from time to time by resolution and as set forth in appendix A.

(e) Upon payment of the fees, the city will furnish the use of the ball diamond or soccer field, ball diamond lights and properly maintained accessories and bases. The fees are to cover the cost of field maintenance, the cost of ball diamond preparation and utility costs.

(f) The use of the press box/concession stand and scoreboard shall require a deposit fee of \$100.00 payable upon Park Board and/or Public Safety approval to the office of the city clerk, along with the rental fee. Seasonal reservations made for use of the press box/concession stand and scoreboard requires one deposit fee and will include the use of the Oscar Dietzch shelter (when reserved with the upper ball diamond only). The deposit will be returned, provided the area is restored to its prior condition to the satisfaction of the city after inspection by the city designee.

(g) All public school functions and public school athletic programs of the city school district, the city, the city's youth baseball and youth softball leagues, and the youth Evansville Soccer Club shall be exempt from the fees and deposit requirements under this section.

(Code 1986, § 19.04, Ord. 2004-15, Ord. 2008-23)

Sec. 86-7. Permit for commercial activities in parks.

(a) No person shall offer any merchandise for sale or operate any stand or place of business within any of the parks in the city unless he shall first have obtained a permit for such operation.

(b) Application for such permit, stating the dates and hours of operation and type of merchandise to be sold, shall be filed with the city clerk not less than 72 hours prior to the first effective date of the permit sought.

(c) Such permit may be issued by the park and recreation board, which may delegate its authority to issue permits to its chairperson.

(d) No permit shall be authorized contrary to the city's contractual obligations with the operator of the city-owned park store in Leota Park.

(e) The provisions of this section shall not apply to the sale of fermented malt beverages for which a license has been issued for a particular picnic or similar gathering pursuant to Wis. Stats. § 125.26(6).

(Code 1986, § 19.05, Ord. 2008-23)

Sec. 86-8. Operation of motorboats on Lake Leota.

No person shall operate a boat propelled by a motor other than an electric motor on Lake Leota.

(Code 1986, § 19.03, Ord. 2008-23)

Secs. 86-9--86-30. Reserved.

ARTICLE II. PARK AND RECREATION BOARD²

Sec. 86-31. Established.

There is created a park and recreation board of the city.

(Code 1986, § 19.01(1))

Sec. 86-32. Membership.

(a) The park and recreation board shall consist of seven members, one of whom shall be an alderperson. The alderperson member shall be appointed by the mayor, subject to confirmation by the council, annually on the third Tuesday of April or as soon thereafter as may be practiced. The six citizen members shall be appointed by the mayor, subject to confirmation by the city council. Two citizen members shall be appointed annually on the third Tuesday of April for a term of three years. The terms shall expire on the third Tuesday in April of the appropriate year.

(b) When the board meets and conducts business, a quorum or majority shall be four members present and four affirmative votes.

(Code 1986, § 19.01(2), Ord. 2006-18)

Sec. 86-33. Qualifications of members.

All citizen members of the park and recreation board shall be persons with recognized experience and qualifications and shall hold office until their respective successors are selected and qualified.

(Code 1986, § 19.01(4))

Sec. 86-34. Oath of members.

Citizen members of the park and recreation board shall take the official oath required by Wis. Stats. § 19.01, which shall be filed with the city clerk-treasurer.

(Code 1986, § 19.01(5))

Sec. 86-35. Compensation of members.

² **Cross references:** Boards, commissions and committees, § 2-191 et seq.

The members of the park and recreation board shall be compensated as determined by the city council.

(Code 1986, § 19.01(6))

Sec. 86-36. Vacancies.

All vacancies on the park and recreation board shall be filled for the unexpired term in the same manner as appointment for a full term.

(Code 1986, § 19.01(7))

Sec. 86-37. Removal of members.

Any member of the park and recreation board shall be removed by the mayor for cause.

(Code 1986, § 19.01(8))

Sec. 86-38. Powers and duties.

The park and recreation board shall supervise the management and operation of the parks, lakes and streams in the city as they are now or may hereafter be provided by ordinance. The park and recreation board shall also supervise the management of the city recreation department, Veteran's Memorial Pool, city Little League programs, the park store and the park maintenance department.

(Code 1986, § 19.01(3))